

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEREMY C. JACKSON,	)	No.
	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
SUNPATH, LTD., and	)	
AM PROTECTION INC.,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Defendant SunPath, Ltd. (“SunPath” or “Defendant”), by counsel, hereby removes the above-captioned action, Case Number Case No. 2022-1341, currently pending in the Court of Common Pleas of Centre County, Pennsylvania, to the United States District Court for the Middle District of Pennsylvania. Removal is based upon 28 U.S.C. §§ 1331, 1441, and 1446. As grounds for removal, Defendant states the following:

1. Plaintiff Jeremy C. Jackson (“Plaintiff”) commenced this action on or about July 7, 2022, by filing a Complaint (“Complaint”) with the Court of Common Pleas of Centre County, Pennsylvania (“State Court Action”). The State Court Action was assigned Case Number 2022-1341.

2. The Complaint alleges violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, the Pennsylvania Unfair Trade Practices and Consumer Protection Law, and Pennsylvania’s Telemarketer Registration Act. Accordingly, removal is warranted because this Court has federal-question jurisdiction over this action pursuant to 28 U.S.C. § 1331 in light of Plaintiff’s assertion of claims arising under federal law.

3. Removal to this Court is proper. Pursuant to 28 U.S.C. §§ 1441 and 1446, this Notice of Removal is being filed in this Court, which is the federal district court embracing the state court where the State Court Action was filed.

4. Removal is timely. The Summons and Complaint were first received by SunPath on July 11, 2022, when counsel for Plaintiff notified SunPath of the State Court Action via email, which was the first time Defendant became aware of Plaintiff's claims against it. This Notice of Removal is being filed within thirty (30) days after receipt by SunPath of the State Court Action Complaint. *See* 28 U.S.C. § 1446(b).

5. The Complaint alleges claims under Pennsylvania state law, specifically for violations of 73 P.S. § 201-2(4)(XVII)(A), 73 P.S. § 2245.2(A), and 73 P.S. § 2245.1. These state law claims are related to the claims that grant this Court original jurisdiction in such a manner that they form the same case and controversy. Accordingly, this Court has supplemental jurisdiction over the state law claims alleged in this action pursuant to 28 U.S.C. § 1367.

6. This Notice of Removal is signed pursuant to Federal Rule of Civil Procedure 11. *See* 28 U.S.C. § 1446(a).

7. Defendant AM Protection Inc., the only other defendant in this matter, is aware of the lawsuit and has provided its consent to the removal of this action pursuant to 28 U.S.C. § 1446(b).

8. All other procedural requirements have been met.

a. Attached hereto as **Exhibit A** is a copy of the Complaint and Notice to Defend issued to SunPath and Defendant AM Protection Inc.

b. **Exhibit A** constitutes all process, pleadings, documents and orders served in the State Court Action to date.

c. Attached hereto as **Exhibit B** is a copy of the Notice of Filing of Notice of Removal that Defendant will file with the Court of Common Pleas of Centre County, Pennsylvania, which will be served upon counsel for the Plaintiff.

**WHEREFORE**, this action should proceed in the United States District Court for the Middle District of Pennsylvania, Harrisburg Division, as an action properly removed thereto.

Respectfully submitted:

CUNNINGHAM, CHERNICOFF  
& WARSHAWSKY, P.C.

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Date: August 9, 2022

Counsel to Sunpath, Ltd.